

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND, NORTHERN DIVISION

RAYMOND WALSH,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendants.

CIVIL NO.: WDQ-06-CV-0157

\* \* \* \* \*

Memorandum Opinion

Raymond Walsh sued Wal-Mart Stores East, LP for negligence in Howard County Circuit Court. Currently pending is Defendant's petition for removal to this Court. For the following reasons the petition for removal will be granted.

I. Background

Walsh is a resident of Howard County, and a citizen of Maryland. Wal-Mart stores is a limited partnership composed of one general partner, WSE Management, LLC and one limited partner, WSE Investment, LLC. Crawford Affidavit, ¶ 2-4. WSE Management and WSE Investment both have a sole member, Wal-Mart Stores, Inc., which is an Arkansas corporation with its principal place of business in Arkansas. *Id* at ¶ 5.

In September, 2004 Walsh was injured when he slipped and fell at Defendant's Mt. Airy, Maryland store. Walsh alleges he

sustained a severe back injury and has sued for \$2 million.

Defendant has petitioned for removal to this Court arguing that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. Walsh opposes the petition, arguing that there are insufficient grounds for removal.

## II. Analysis

Under 28 U.S.C. § 1332, a district court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000 and is between citizens of different States. 28 U.S.C. § 1332.

A limited partnership is a citizen of the state of which its partners are citizens. *JBG/JER Shady Grove, LLC v. Eastman Kodak*, 127 F.Supp.2d 700,701 (D.Md. 2001)(citing *C.T. Carden v. Arkoma Associates*, 494 U.S. 185 (1990)). A limited liability company is a citizen of the state or states of which its members are citizens. *Id.* A corporation is a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. 28 U.S.C. § 1332(c)(1).

As WSE Management and WSE Investment are both limited liability companies with a sole member which is a corporation with its principal place of business in Arkansas, both companies are citizens of Arkansas. As Defendant is a limited partnership and because both partners are citizens of Arkansas, Defendant is

a citizen of Arkansas. Therefore, the Court has diversity jurisdiction and, accordingly, the petition for removal will be granted.

February 15, 2006  
Date

/s/  
William D. Quarles, Jr.  
United States District Judge